said that every person of the Catholic faith in a bishop's diocese has such pecuniary interest as the court can take notice of in every church owned by the bishop in every part of the diocese, and as would incapacitate him from acting as juror in a case involving its property. Defendant's right to have the excluded men sit as jurors unless challenged by plaintiff was violated, and at the outset it gave plaintiff an additional power of choice, making his right of peremptory challenge relatively more valuable, while defendant's similar right was made relatively less valuable.

False Personation by Nonmember Wearing Badge of Society.—As the membership in most societies, whether secret or otherwise, is the result of fitness and selection, which gives members standing and character at least among their fellows, and to a greater or less degree with the public, the Supreme Court of Indiana in the case of Hammer *v.* State, 89 Northeastern Reporter, 850, holds that he who wears a badge of a secret society without being a member thereof is guilty of false personation, and a statute prohibiting the wearing of such a badge by a nonmember is not in conflict with the Constitution, is a proper police regulation based upon public policy, and relates to matter of purely state concern. Although one may adorn himself as he pleases, he may not by so doing hold himself out to be one whom he is not, thereby assuming a status to which he is not entitled, where such adornment affects others or of which advantage may be taken to their detriment.

Death of Plaintiff Before Filing Petition.—The old question of computation of time by considering the day as a single unit comes up in a somewhat new form in Peebles *v.* Charleston & W. C. Ry. Co., 66 Southeastern Reporter, 953. The petition in the case was filed about 4:30 or 5 o'clock in the afternoon of the day on which plaintiff died at about 1:40 p. m. The action was for damages resulting from the homicide of plaintiff's son, and would not survive unless begun by the parent himself. After amendment making the administrator a party, demurrer was filed by defendant on the ground that no action was pending at the time of decedent's death, and consequently there was nothing to which the administrator succeeded. As opposed to this contention it was claimed that, as the law regards the day as a single unit of time, it would be presumed that the petition was filed at the very beginning of the day, and consequently before plaintiff's death. The Georgia Court of Appeals rejects this view, however, and says that, where the precise hour when an act is done becomes material in determining the rights of the parties, the legal fiction as to time does not apply, and that the court will take notice of the precise hour at which an event occurred; and that, whether this be true or not, the legal fiction

would be of no avail to plaintiff in this action, because it would apply as well to the question of time of death as to the time of filing the petition, and would thus raise the presumption that both occurred simultaneously at the first instant of the day, and that, in order that the action might be maintained, it would be necessary that it be instituted before death and not simultaneously with the death of plaintiff.

Extraterritorial Operation of Bigamy Statute.—A statute of North Carolina provides for the punishment of any person for a second marriage during the existence of a prior one, whether the second shall have taken place within the state or elsewhere, and authorizes trial and conviction in any county where the offender shall be apprehended the same as if the offense had been actually committed in that county. The validity of this law is successfully assailed in State *v.* Ray, 66 Southeastern Reporter, 204, in an opinion by the North Carolina Supreme Court, on the ground that it was an attempt to create a crime beyond the borders of the state, and without the territorial operation of its laws, when applied to a second marriage taking place outside the state. The fact that the parties might come back into North Carolina and reside there after the second marriage makes no difference, as the statute contains no provisions for punishment for the offense of living together after the invalid marriage, but merely for the marriage itself.

Percolating Water Rights.—The city of East Orange acquired a large tract of land, and at great expense drilled numerous artesian wells thereon for the purpose of supplying its inhabitants with water. Plaintiff, a milkman and owner of a nearby farm, suffered heavy loss by reason of the wells drawing out percolating underground water, which but for its interception would have reached his spring, stream, and well, and nourished his crops. In Meeker *v.* City of East Orange, 74 Atlantic Reporter, 379, the Court of Errors and Appeals of New Jersey reversed the two lower court judgments, and upheld plaintiff's claim for damages. It rejected the English rule giving the landowner an absolute property in all water found percolating in his soil, to do with it as he pleased, and adhered to the doctrine of reasonable user. This doctrine does not prevent the proper user by a landowner of the percolating waters subjacent to his soil in agriculture, manufacturing, irrigation, or otherwise; nor does it prevent any reasonable development of his land by mining or the like, although the underground water of neighboring proprietors may thus be interfered with or diverted; but it does prevent the withdrawal of underground waters for distribution or sale for uses not connected with any beneficial ownership or enjoyment of the land whence they are taken if the owner of adjacent or neighboring